

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

KEVIN V. BYNG

Plaintiff,

v.

6:22-CV-1406
(DNH/ATB)

BOB KELLY, et al.,

Defendants.

KEVIN V. BYNG, Plaintiff, pro se

ANDREW T. BAXTER, U.S. Magistrate Judge

DECISION and ORDER

On February 24, 2023, I issued an Order and Report-Recommendation (“ORR”) in this action. (Dkt. No. 5). In my initial ORR, I reviewed the plaintiff’s civil complaint in which he was suing defendants in connection with various housing discrimination claims. (*Id.*). Based upon my initial review, and after finding that plaintiff met the financial criteria to proceed IFP, I recommended that the case proceed with respect to certain claims. (*Id.*).

On March 20, 2023, United States District Court Judge David N. Hurd accepted my ORR, which also provided plaintiff the opportunity to file an amended complaint to address the deficiencies noted by the court. (Dkt. No. 6). Plaintiff filed an amended complaint on April 6, 2023. (Dkt. No. 7). In my April 17, 2023 Report-Recommendation (“RR”), I recommended that the amended complaint be accepted as the operative pleading, and that case proceed past initial review with respect to the

following claims: (1) First Amendment freedom of associations claims against defendants Kelly and Connelly; and (2) Fair Housing Act race discrimination claims against defendant Kelly and Connelly.

Plaintiff did not file objections to the RR. (Dkt. No. 11). On May 10, 2023, Judge Hurd adopted my RR and referred the case to me for an order directing service on defendants Kelly and Connelly. (Dkt. No. 17). Accordingly, I will proceed to order service of the amended complaint, as modified by my RR and Judge Hurd's order, against the remaining defendants.

WHEREFORE, based on the findings above, and in my RR of April 17, 2023 (Dkt. No. 11), it is

ORDERED that the Clerk shall issue summonses and forward them, along with copies of the amended complaint, and a packet containing General Order 25, which sets forth the Civil Case Management Plan used by the Northern District of New York, to the United States Marshal for service upon the defendants **KELLY** and **CONNELLY**; and it is

ORDERED that a response to plaintiff's amended complaint be filed by the named defendants or their counsel as provided for in the Federal Rules of Civil Procedure; and it is

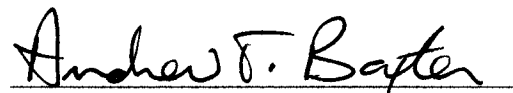
ORDERED that the Clerk is directed to schedule a Rule 16 conference before me, and it is

ORDERED that all pleadings, motions, and other documents relating to this action must bear the case number assigned to this action and be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal

Building, 100 S. Clinton St., Syracuse, New York 13261-7367. Any paper sent by a party to the Court or the Clerk must be accompanied by a certificate showing that a true and correct copy of same was served on all opposing parties or their counsel. Any document received by the Clerk or the Court which does not include a proper certificate of service will be stricken from the docket. Plaintiff must comply with all requests by the Clerk's Office for any documents that are necessary to maintain this action. All parties must comply with the Local Rules of the Northern District of New York in filing motions. Plaintiff is also required to promptly notify the Clerk's Office and all parties or their counsel, in writing, of any change in his address; his failure to do so will result in the dismissal of this action; and it is

ORDERED that the Clerk shall serve a copy of this Decision and Order on plaintiff.

Dated: July 18, 2023

A handwritten signature in black ink, reading "Andrew T. Baxter", written over a horizontal line.

Andrew T. Baxter
U.S. Magistrate Judge